THE HON'BLE MR. JUSTICE V.V.S. RAO

THURSDAY, THE 29TH DAY OF DECEMBER, 2005

W.P.No. 26185 of 2005

Between:-

Smt. Narsamma and two others.

--Petitioners

And

Special Deputy Collector-cum-Revenue Divisional Officer, Sangareddy, Medak district (A.P.) and fifteen others.

--Respondents

THE HON'BLE MR. JUSTICE V.V.S. RAO

W.P.No. 26185 of 2005

:O R D E R:

The third petitioner is the son of one late Hanumanthu. The second petitioner is the daughter-in-law and third petitioner is the grand son of Hanumanthu. Hanumanthu was protected tenant of land admeasuring Acs.56-20 gts. in survey Nos. 20, 56 and 68 of Chinna Hyderabad village, Zaheerabad mandal, Medak district. He appears to have obtained a certificate under Section 38-E of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1958. After the death of Hanumanthu, his three sons Manayya (husband of the first petitioner), Bakkappa (father of the second petitioner) and Sanganna (third petitioner herein) succeeded to the property and statedly been cultivating the land. It appears, the petitioners made an application to the second respondent for issue of Pattadar Passbooks and title deeds under the Andhra Pradesh Rights in Land and Pattadar Passbooks Act, 1971 (for short 'the ROR Act'). An inquiry was initiated and a notice in No. ROR/ROR/1989 dated 16-07-1993 was issued by the second respondent informing the interested persons and to Hanumanthu proposing to conduct an inquiry on 26-07-1993. The petitioners attended the inquiry, but no orders were passed. In the meanwhile, it is alleged, that the second respondent is taking necessary steps to mutate the names of respondent Nos. 3 to 16 and, therefore, they filed the present writ petition seeking a direction to the respondent Nos. 1 and 2 to pass appropriate orders in the matter.

Even according to the petitioners, there is a dispute as to the extent of land to which late Hanumanthu is entitled to as a 'protected tenant'. Indeed, in 1976 ownership certificate was issued only in respect of Acs.26-00 in survey Nos. 20 and 68 excluding the land admeasuring Acs. 18-22 gts., comprised in survey No.56. This aspect of the matter has to be inquired into by the second respondent, as rightly

contended by the learned counsel for the petitioner.

At the stage of admission itself, learned Assistant Government Pleader, after obtaining instructions in the matter, submits that Hanumanthu applied for regularization of the land purchased by him in survey No. 56 and that the inquiry is still pending. Therefore, it would not be proper for this court to express any opinion regarding the right of the petitioners, who claimed to be the legal heirs of late Hanumanthu. Admittedly, the inquiry, pursuant to the notices dated 16-07-1993, is still pending; and it would be in the interest of justice to direct the second respondent to complete the inquiry within a period of two weeks from the date of receipt of a copy of this order after giving notice to all the persons claiming right in the land and/or to whom the notices are required to be given while conducting the inquiry under the ROR Act. There shall be a direction in the above terms.

The writ petition is accordingly disposed of. No costs.

_____

V.V.S. RAO, J

29-12-2005

pvks/*

Nb:-Registry to furnish c.c. by day after tomorrow i.e., 31-12-2005.

Pvks/*